

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/1/09

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GUY T. MITCHELL,

08 CV 4319 (BSJ)

Plaintiff,

ORDER

COPY MAILED / FAXED TO:

v.

COUNSEL FOR PLTFF(S):
COUNSEL FOR DFT(S): RF
PLTFF PRO SE: ✓ mail
DFT PRO SE:
DATE: 9/1/09
BY: [signature]

CARBON CAPITAL II, INC.,

Defendant.
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LORETTA A. PRESKA, Chief United States District Judge:

Mr. Mitchell requests 30 days in order to file a notice of appeal (letter attached), presumably from the Court's July 7, 2009 Opinion and Order granting Carbon Capital's motion to dismiss and its motion for summary judgment on its counterclaims. Judgment was entered July 9, 2009 [dkt. no. 92] but without specifying a dollar amount to be recovered on the counterclaims. Accordingly, that judgment is vacated as incomplete.

By motion dated July 24, 2009 [dkt. no. 94], Carbon Capital moved for judgment in a specified amount. No response has been received from Plaintiff, and that motion remains pending. Accordingly, there is no final judgment to appeal at this time.

Plaintiff Mitchell is reminded of his obligation to be aware of the contents of the docket in his case and to inform the Court and his adversaries of his current contact information.

SO ORDERED:

Dated: September 1, 2009


LORETTA A. PRESKA, Chief U.S.D.J.
for Judge Barbara S. Jones

08CV4319BSJorder

August 28, 2009
Barbara S. Jones Chambers
212-805-6185

Re: Royal Palm Senior Investors -v- Carbon Capital 11, Inc.
Index No. 08-cv-04319

Dear Judge Jones,

My name is Guy Mitchell with Royal Palm Senior Investors. I called your chambers a few days ago and advised that I was just informed of the ruling in this case and have not been served yet. I am in the process of finding a law firm to represent us and ask the court to please allow us 30 days to retain counsel and file our appeal.

I appreciate your consideration as this really means a lot to me and will try to have an attorney respond quickly!

Sincerely yours,



Guy Mitchell

828-506-2237
